

EXHIBIT 44

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
Case No. 03-MDL-1570 (GBD) (SN)  
-----x.  
IN RE: TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001  
-----x

August 5, 2021  
9:09 a.m.

Videotaped Deposition via Zoom  
of EVAN KOHLMANN, pursuant to Notice,  
before Jineen Pavesi, a Registered  
Professional Reporter, Registered Merit  
Reporter, Certified Realtime Reporter and  
Notary Public of the State of New York.

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2 in fact it was produced in Oxford and not  
3 London, I would concede that point, it is  
4 very possible, I didn't manually print the  
5 book, so it is possible.

6 Q. It actually says in the book  
7 "printed in the United Kingdom by Berg  
8 Limited Queensland"; Queensland is not  
9 London, it is outside Oxford, but let's  
10 move on.

11 A. Okay.

12 Q. I know this has been a subject  
13 and I am just trying to figure out what  
14 the deal is.

15 Now, Berg is not a university  
16 press, is it?

17 A. It is not affiliated with a  
18 university, but it publishes academic  
19 books for university, so it depends what  
20 you mean by university press.

21 If you're saying is it directly  
22 affiliated with university, no, it is not,  
23 it is a private press.

24 Q. You know what a university  
25 press is, don't you?

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2 A. Well, it would be attached to  
3 university.

4 Q. Right.

5 A. Like the University of  
6 Pennsylvania Press.

7 Q. That's right, and Berg is not?

8 A. No, it is not affiliated with a  
9 university, no, it is not.

10 Q. In a different case, in the  
11 Muntasser case you were questioned about  
12 whether it was self-published and you said  
13 "I'll produce the contract."

14 Did you produce that contract  
15 in the Muntasser case?

16 A. I have no idea; I have a copy  
17 if you guys want, but it was not a  
18 self-published book.

19 Q. Well, we want it and we have  
20 asked for it and your lawyers have  
21 declined to provide it, I don't know why.

22 MR. LEWIS: But we will repeat  
23 the request, we think it is a proper  
24 request.

25 A. Again, to be very clear, there

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2 Q. And he was invited to speak,  
3 this is on page 5, he was invited to speak  
4 at the U.S. Capitol after the terrorist  
5 attacks of September 11?

6 A. I believe -- I believe so. I  
7 don't recall exactly, but that sounds about  
8 right. That sounds about right.

9 Q. And on page 7, he was, in  
10 February of 2002, he was invited to speak  
11 at the Pentagon. Were you aware of that?

12 A. I believe so. I believe I  
13 recall that. Obviously it says it here in  
14 the article, but I believe that that's  
15 true, yes.

16 Q. Do you, and you don't -- do you  
17 have any publicly disseminated writing by  
18 al-Awlaki in the United States prior to his  
19 departure in 2002 where he advocated  
20 support of Al-Qaida, supporting terrorism,  
21 supporting any act of violence against the  
22 United States?

23 MR. HAEFELE: Objection to  
24 form.

25 A. I'm going to have to dig into

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2 that. I would have to look at his blog.  
3 He had an online blog for a long time and I  
4 have to check what the dates are on the  
5 blog. I'm not sure what the dates are on  
6 the blog offhand. He used to post crazy  
7 stuff on that blog. So I would really have  
8 to just check what the dates were on it.

9 Q. Would it be fair to say in your  
10 report you don't cite any public statement  
11 by al-Awlaki, whether that be publicly  
12 available information by al-Awlaki in the  
13 United States by him prior to his departure  
14 from the U.S., including any video lectures  
15 or anything like that, that contains any  
16 statements supporting terrorism, supporting  
17 Al-Qaida, supporting any attacks against  
18 the U.S., that's not cited in your report?

19 A. Just to be clear, it would be  
20 audio recordings, because back then he  
21 wasn't doing video, he was doing almost  
22 exclusively audio recordings, and his blog,  
23 right? But I didn't cite it in my report.  
24 I would have to check and see. I didn't --  
25 it wasn't germane to what I was saying

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2 here.

3 But if the question is whether  
4 or not he made radical statements before he  
5 left, I can -- I can certainly look that  
6 up. But I have to check the dates on the  
7 blog because I don't know what the dates  
8 are offhand. I know he posted lectures  
9 about jihad on the blog in English for, you  
10 know, a Muslim audience. But I don't -- I  
11 don't know what the dates are offhand. I  
12 would have to check into it.

13 MR. GOETZ: Everyone okay if we  
14 take five minutes? And then we can take  
15 lunch around 1 if that works for everybody,  
16 as we did yesterday.

17 MR. HAEFELE: Let's take a  
18 break. That sounds fine, but we will let  
19 you know at the break.

20 THE VIDEOGRAPHER: Thank you.  
21 Without objection, we are going off the  
22 record at 11:52.

23 (Recess taken.)

24 THE VIDEOGRAPHER: The time is  
25 approximately 12:05. We are back on the

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2 pulled up, please. And if we can scroll  
3 down to the English, please.

4 MR. HAEFELE: Just for the  
5 record, it is Exhibit 916?

6 MR. GOETZ: Yup, I was just  
7 going to say, thank you, Robert, this has  
8 previously been marked as Exhibit 916. I  
9 will represent it is a letter from  
10 Dr. Juhani to Prince Salman dated May 11 of  
11 1993.

12 Q. Have you seen this document  
13 before?

14 A. No, I have not seen this  
15 document before.

16 Q. Looking at the highlighted  
17 portions, I will represent to you it  
18 indicates that there have been some  
19 developments with the Benevolent Committee,  
20 including that the former executive  
21 director, Sheikh Adel Batterjee, well, he  
22 is referred to as the former, Adel  
23 Batterjee, former director, do you see  
24 that?

25 A. Yeah, but doesn't this -- this